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John S. Nagy, Reg. No. 30,664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/754,174  
 Applicant : Lilip Lau, William Hartigan, Anuja Patel  
 Filed : January 9, 2004  
 Art Unit : 3736  
 Examiner : Nikita R. Veniaminov  
 Title : DEVICE FOR TREATING HEART FAILURE

Docket No.: : PARCR 66327  
 Customer No. : 24201

Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Forms PTO/SB/08A have come to the attention of Applicants and are submitted to the Office under 37 C.F.R. § 1.97(c) (3) and §1.98(d). A copy of each of the referenced articles and of each of the foreign references is enclosed. This Information Disclosure Statement is being submitted to correct the publication dates of all the U.S. Patent Documents by including the four-digit year, to include the name of the inventor(s) for each of the listed U.S. applications, and to submit additional art which has come to the attention of Applicants. It is respectfully requested that the Information Disclosure Statement references now be considered.


This application is a continuation of U.S. Serial No. 10/242,016 filed September 10, 2002 now U.S. Patent No. 6,723,041. The foregoing application is incorporated herein by reference. Priority is claimed to this application.

The petition fee set forth in 37 C.F.R. § 1.17(p) is enclosed. Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:



John S. Nagy  
Registration No. 30,664

JSN:jeb  
Enclosures

Howard Hughes Center  
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89202.1



10754174 - GAU 3795

Doc

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/754,174

Filing Date

January 9, 2004

First Named Inventor

Lilip Lau

Art Unit

3736

Examiner Name

Nikita R. Veniaminov

Attorney Docket Number

PARCR 66327

**ENCLOSURES (Check all that apply)**

- ☒ Fee Transmittal Form  
☒ Fee Attached  
☐ Amendment / Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☒ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Response to Missing Parts/ Incomplete Application  
☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_  
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC  
☐ Appeal Communication to Board of Appeals and Interferences  
☐ Appeal Communication to TC (Appeal Notice, Brief, Reply)  
☐ Proprietary Information  
☐ Status Letter  
☒ Other Enclosure(s) (please identify below):

Postcard  
17 References

Remarks

24201

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

FULWIDER PATTON LEE &amp; UTECHT, LLP.

Signature

Printed name

Date

May 9, 2005

Reg. No.

30,664

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Typed or printed name

JOHN S. NAGY

Date

May 9, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Doc Code:

MAY 12 2005

PTO/SB/17 (12-04v2)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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EFFECTIVE DATE: 01/12/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R.

**FEE TRANSMITTAL  
for FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** **\$180.00****Complete if Known**

Application Number	10754,174
Filing Date	January 9, 2004
First Named Inventor	Lilip Lau
Examiner Name	Nikita R Veniaminov
Art Unit	3736
Attorney Docket No.	PARCR 66327

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Deposit Account Number: 06-2425 Deposit Account Name: FULWIDER PATTON

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<b>Total Claims</b>	<b>Extra</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____ - 20 or HP = _____	x	\$25.00	= \$0.00

HP = highest number of total claims paid for, if greater than 20.

<b>Indep. Claims</b>	<b>Extra</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____ 4 - 3 or HP = _____	x	\$43.00	= \$0.00

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).


<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____ - 100 = _____	0	0	x \$125.00	= \$0.00

**4. OTHER FEE(\$)**

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Supplemental Information Disclosure Statement

**\$180.00****SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	30,664	Telephone	(310) 824-5555
Name (Print/Type)	JOHN S. NAGY		Date	May 9, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		Application Number	10/754,174
		Filing Date	January 9, 2004
		First Named Inventor	Lilip Lau
		Art Unit	3736
		Examiner Name	Nikita R. Veniaminov
		Attorney Docket Number	PARCR 66327
Sheet 1	of 10		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		2,826,193		03/11/1958	Vineberg	
		3,464,322		09/02/1969	Pequignot	
		3,513,836		05/26/1970	Sausse	
		3,587,561		06/28/1971	Schiff	
		3,613,672		10/19/1971	Schiff	
		3,966,401		06/29/1976	Hancock et al.	
		3,983,863		10/05/1976	Janke et al.	
		3,988,782		11/02/1976	Dardik et al.	
		4,011,947		03/15/1977	Sawyer	
		4,048,990		09/20/1977	Goetz	
		4,065,816		01/03/1978	Sawyer	
		4,108,161		08/22/1978	Samuels et al.	
		4,192,293		03/11/1980	Asrican	
		4,211,325		07/08/1980	Wright	
		4,261,342		04/14/1981	Aranguren Duo	
		4,306,318		12/22/1981	Mano et al.	
		4,372,293		02/08/1983	Vijil-Rosales	
		4,403,604		09/13/1983	Wilkinson et al.	
		4,428,375		05/31/1984	Ellman	
		4,512,471		04/23/1985	Kaster et al.	
		4,536,893		08/27/1985	Parravicini	
		4,545,783		10/08/1985	Vaughn	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind <sup>5</sup> (if known)				
		SU	1009457		04/07/1983	Kalik		
		PCT	WO 96/40356		12/19/1996	EP Technologies, Inc.		
		PCT	WO 00/18320		04/06/00	Univ. of Cincinnati		
		PCT	WO 01/21098		03/29/2001	Acorn Cardiovascular		
		PCT	WO 01/67985		09/20/2001	Paracor Surgical		
		PCT	WO 01/85061		11/15/2001	Acorn Cardiovascular		
		PCT	WO 01/91667		12/06/2001	Cardioclasp, Inc.		
		PCT	WO 02/15726		02/21/2002	Acorn Cardiovascular		
		PCT	WO/0056995		06/29/2000	Corset Inc.		

Examiner Signature	Date Considered
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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary) Sheet <u>2</u> of <u>12</u>				<b>Complete if Known</b> Application Number <u>10/754,174</u> Filing Date <u>January 9, 2004</u> First Named Inventor <u>Lilip Lau</u> Art Unit <u>3762</u> Examiner Name <u>Unassigned</u> Attorney Docket Number <u>PARCR 66327</u>				
<b>U.S. PATENT DOCUMENTS</b>								
Examiner Initials*	Cite No <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		Number	Kind Code <sup>2</sup> (if known)					
		4,840,626		06/20/89	Linsky et al.			
		4,888,016		09/05/89	Fong et al.			
		4,878,890		11/07/89	Bilweis			
		4,957,477		09/18/90	Lundback			
		4,960,424		10/02/90	Grooters			
		4,973,300		11/27/90	Wright			
		5,031,762		07/16/91	Heacox			
		5,057,117		10/15/91	Atweh			
		5,067,957		11/26/91	Jervis			
		5,087,243		02/11/92	Avitall			
		5,098,369		03/24/92	Heilman et al.			
		5,106,386		04/21/92	Isner et al.			
		5,119,804		06/09/92	Anstach			
		5,150,706		09/29/92	Cox et al.			
		5,169,381		12/08/92	Snyders			
		5,186,711		02/16/93	Epstein			
		5,190,546		03/02/93	Jervis			
		5,192,314		03/09/93	Daskalakis			
		5,197,978		03/30/93	Hess			
		5,256,132		10/16/93	Snyders			
		5,279,539		01/18/94	Bohan et al.			
		5,336,254		08/09/94	Brennen et al.			
<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initials*	Cite No <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind <sup>5</sup> (if known)				
		PCT	WO 91/19465		12/26/91	Frater		
		SU	1734767 A1		05/23/92	Papov et al.		
		EP	0 280 564 B1		06/16/93	Intermedics, Inc.		
		DE	38 31 540 C2		06/24/93	Evans		
		PCT	WO 95/06447		03/09/95	W.L. Gore & Associates		
		PCT	WO 96/04852		02/22/96	Northrup		
		DE	295 17 393 U1		03/14/96	Hohmann et al.		
		EP	0 583 012 B1		07/10/96	Heilman et al.		
Examiner Signature						Date Considered		

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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Application Number	10/754,174
				Filing Date	January 9, 2004
				First Named Inventor	Lilip Lau
				Art Unit	3736
				Examiner Name	Nikita R. Veniaminov
				Attorney Docket Number	PARCR 66327
Sheet	4	of	10		

[illegible]

59713.1

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		Application Number	10/754,174
		Filing Date	January 9, 2004
		First Named Inventor	Lilip Lau
		Art Unit	3736
		Examiner Name	Nikita R. Veniaminov
		Attorney Docket Number	PARCR 66327
Sheet	5	of	10

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		5,713,924		02/03/1998	Rosenberg et al.	
		5,727,569		03/17/1998	Benetti et al.	
		5,749,839		05/12/1998	Kovacs	
		5,782,746		07/21/1998	Wright	
		5,800,334		09/01/1998	Wilk	
		5,800,528		09/01/1998	Lederman et al.	
		5,814,097		09/29/1998	Sterman et al.	
		5,824,028		10/20/1998	Knisley	
		5,836,311		11/17/1998	Borst et al.	
		5,848,962		12/15/1998	Feindt et al.	
		5,849,005		12/15/1998	Garrison et al.	
		5,853,422		12/29/1998	Huebsch et al.	
		5,865,791		02/02/1999	Whayne et al.	
		5,904,690		05/18/1999	Middleman et al.	
		5,910,124		06/08/1999	Rubin	
		5,927,284		07/27/1999	Borst et al.	
		5,948,019		09/07/1999	Shu et al.	
		5,957,977		09/28/1999	Melvin	
		5,961,440		10/05/1999	Schweich, Jr. et al.	
		5,976,069		11/02/1999	Navia et al.	
		5,979,456		11/09/1999	Magovern	
		5,984,857		11/16/1999	Buck et al.	
		5,990,378		11/23/1999	Ellis	

[illegible]

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/754,174
		Filing Date	January 9, 2004
		First Named Inventor	Lilip Lau
		Art Unit	3736
		Examiner Name	Nikita R. Veniaminov
		Attorney Docket Number	PARCR 66327
Sheet	8	of	10

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		6,375,688		04/23/2002	Alferness	
		6,390,976		05/21/2002	Spence et al.	
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		Number	Kind Code <sup>2</sup> (if known)			
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